

81. The method of claim 71 wherein said P-selectin can bind to said ligand in the absence of said agent.
82. The method of claim 71 wherein said agent is PSGL-1.
83. The method of claim 71, wherein said agent is administered in sequential exposures over a period of hours, days, weeks months or years.
84. The method of claim 71, wherein said agent is administered repeatedly, or by a controlled release delivery system.
85. The method of claim 71, wherein said agent is administered in combination with other therapeutic agents.

REMARKS

In the Office Action of October 12, 2001, restriction was required among some 24 groups of claims alleged to constitute independent and distinct inventions. The groupings have been made on the basis of the types of inhibitors used in the methods of the present invention, and to the specific inhibitors themselves.

The Examiner has stated that the products and processes of use thereof constitute independent and distinct inventions since the product can be used in materially different processes, such as affinity purification or as immunogens in bioassays. However, applicants note that the product claims, claim 38 et seq., specifically state that the therapeutic agent is used to treat atherosclerosis. Moreover, without concrete evidence to support other uses of the therapeutic agents, any suggestion that the therapeutic agents may have such uses is clearly speculative and without foundation.

The Examiner has also stated that the claimed therapeutic agents differ in structure and modes of action to the extent that they require searches that are not coextensive, i.e. they cannot be searched together, and are therefore separately patentable. However, applicants note that many of the groups created in the Office Action are listed as belonging to the same class **and**

subclass. For instance, Groups IV-VII and XI-XII are all classified in Class 514, subclass 2. Accordingly, the searches for any one of these groups would necessarily retrieve art relevant to the other groups found in the same subclasses. Applicants submit that examination of these related groups in one application would promote an economy of effort on the part of both the USPTO and applicants.

Accordingly, applicants respectfully request that the present restriction requirement be withdrawn with respect to the products and processes for use thereof, and with respect to those groups which belong to the same class and subclass.

However, in the event that the restriction requirement is adhered to, applicants elect the invention of Group IV (claims 1-4, 6-14, 17, 21, 22, 24, 48, and 54-59), drawn to the use of PSGL-1 to treat or inhibit atherosclerosis, with traverse, for further prosecution on the merits. In this regard, applicants note that Group XI in particular, directed to PSGL-1 specific antibodies, is also classified in Class 514, subclass 2, and would seem to be the same invention as the invention of the Group IV claims. The same is true for the Group XIX claims.

In order to facilitate action on this Amendment, the Group IV claims have been rewritten as new claims 71-85. However, as noted above, applicants urge withdrawal of this restriction requirement.

In view of the foregoing facts and reasons, prompt action on the merits of this application, and an early indication of allowability, are solicited.

Respectfully submitted,

by William G. Gosz
William G. Gosz
Reg. No. 27,787
Ropes & Gray
One International Place
Boston, MA
Attorneys for Applicant(s)
Tel. No. (617) 951-7000

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